

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LUZ-MARIA URZUA and CESAR  
ANCHANTE-MARTINETTI,

No. C 07-05903 JSW

Plaintiffs,

v.

COUNTRYWIDE BANK and ANGELO  
MOZILO,

**ORDER DENYING MOTION FOR  
DEFAULT JUDGMENT**

Defendants.

On March 12, 2008, Plaintiffs moved for default judgment pursuant to Rule 55(b)(2) against Defendants Countrywide Bank and Angelo Mozilo. After reviewing the record and Plaintiffs' motion for default judgment, the Court finds that Plaintiffs have failed to comply with Rule 55 of the Federal Rules of Civil Procedure.

First, Defendants have answered the complaint by filing a motion to dismiss which is set for hearing on April 4, 2008 at 9:00 a.m. Defendants are, therefore, not in default.

Second, Plaintiffs move for default judgment without first requesting and obtaining entry of Defendants' default from the clerk pursuant to Rule 55(a).

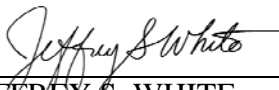
In addition, it is apparent that Plaintiffs' contact information may be inaccurate because multiple filings have been returned to the Court as undeliverable. However, Plaintiffs have not filed any notice of change of address. Civil Local Rule 3-11(a) requires that "a party proceeding *pro se* whose address changes while an action is pending must promptly file with the Court and serve upon all opposing parties a Notice of Change of Address specifying the new address."

1 Civil Local Rule 3-11(b) authorizes the Court to dismiss a complaint without prejudice when  
2 “(1) Mail directed to the ... *pro se* party by the Court has been returned as not deliverable; and  
3 (2) The Court fails to receive within 60 days of this return a written communication from the ...  
4 *pro se* party indicating a current address.”

5 Accordingly, the Court DENIES Plaintiffs’ motion for default judgment. The motion to  
6 dismiss shall be heard and Plaintiffs are DIRECTED to update the Court docket with their  
7 current contact information.

8  
9 **IT IS SO ORDERED.**

10  
11 Dated: March 17, 2008

  
\_\_\_\_\_  
JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT

FOR THE

NORTHERN DISTRICT OF CALIFORNIA

LUZ-MARIA URZUA,

Plaintiff,

v.

COUNTRYWIDE BANK et al,

Defendant.

Case Number: C07-05903 JSW

Related Case Number C07-5906 JSW

Related Case Number C07-5931 JSW

Related Case Number C07-5932 JSW

Related Case Number C07-6349 JSW

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on \_\_\_\_\_, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

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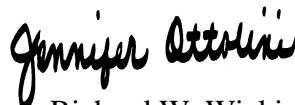
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Dated: March 17, 2008



Richard W. Wieking, Clerk  
By: Jennifer Ottolini, Deputy Clerk